

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**751 Twinbrook Parkway
Rockville, MD 20851**

(240) 777-6600

<http://www.montgomerycountymd.gov/boa/>

CASE NO. A-6670

PETITION OF LIVINGSTON EQUITY GROUP LLC

NOTICE OF HEARING

Please take notice that the Board of Appeals for Montgomery County, Maryland, will hold a public hearing, likely using technology in lieu of in-person attendance due to COVID-19, **on Wednesday, 21st the day of October, 2020, at 9:30 a.m.**, or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 59-7.3.2.A of the Zoning Ordinance. Instructions for remote participation in this hearing, assuming the hearing is held remotely, will be posted on the Board's webpage (address above) once they are available. If the hearing is not held remotely, it will be held in a temporary hearing room located at the Broome School, 751 Twinbrook Parkway, Rockville, Maryland, on the above-scheduled date and time. Please check with Board staff as the hearing date approaches to see if proceedings are still being conducted remotely.

The existing structure, a noncomplying house, requires a variance of 0.17 feet as it is within 24.83 feet of the front lot line. The required setback is twenty-five (25) feet, in accordance with Section 59-4.4.9.B.2 of the Zoning Ordinance.

The existing structure, a noncomplying house, requires a variance of 0.28 feet as it is within 6.72 feet of the side lot line. The required setback is twenty-five (25) feet, in accordance with Section 59-4.4.9.B.2 of the Zoning Ordinance.

The proposed construction, a second story addition, requires a variance of 0.17 feet as it is within 24.83 feet of the front lot line. The required setback is twenty-five (25) feet, in accordance with Section 59-4.4.9.B.2 of the Zoning Ordinance.

The proposed construction, a second story addition, requires a variance of 0.48 feet as it is within 6.52 feet of the side lot line. The required setback is seven (7) feet, in accordance with Section 59-4.4.9.B.2 of the Zoning Ordinance.

EXHIBIT NO. 9(b)

The subject property is Lot 4, Block B, Forest Hills of Sligo Park Subdivision, located at **8705 Reading Road, Silver Spring, Maryland, 20901** in the R-60 Zone. (Tax Number Account No. 13-01377321)

Notices forwarded this 18th day of September, 2020, to:

Robert Livingston

Livingston Equity Group LLC

Francoise M. Carrier, Esquire

Charles Frederick, Esquire, Associate County Attorney

Washington Suburban Sanitary Commission


State Highway Administration

County Board of Education

Contiguous and confronting property owners

Local Citizens Associations

County Board of Appeals


Barbara Jay
Executive Director

All parties who make submissions, after an initial filing, in Special Exception, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purpose of this requirement, a party includes: (1) Counsel of record who have formally entered their appearance; (2) Any person to whom the Board of Appeals has granted Intervener status; and (3) The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties. Effective September 6, 2002, failure to supply such written certification will result in refusal of the submission.

Case files are available for public review at the office of the Board of Appeals, Monday through Friday, 8:30 a.m. – 4:00 p.m

**BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(240) 777-6600**

Docket No. A- 6670
 Date Filed 9-4-20
 Hearing Date 10-21-20
 Time 9:30 a.m.

PETITION FOR VARIANCE UNDER ZONING ORDINANCE

(Please Note Instructions on Reverse Side)

(PLEASE PRINT)

Name of Petitioner(s): Livingston Equity Group LLC

Address of Petitioner(s): 25649 Gathering Glen Street City Aldie, VA Zip 20105

Description of property involved: Lot 4 Block B Parcel _____ Subdivision Forest Hills os Sligo Park

Street and No. 8705 Reading Rd City Silver Spring, MD Zip 20901 Zone Classification R-60

Appellant's present legal interest in above property (check one): Tax Account No. 13-01377321

☒ Owner (including joint ownership) _____ Other (describe) _____

If not owner, name and address of owner: _____

What variance is requested, and what is the pertinent section of the Zoning

Ordinance? 1. Front setback variance of 0.17 feet for existing bay window that exceeds width allowed for bay window setback exemption. 2. Side setback variance of 0.48 feet for existing north wall of house and proposed renovation and additior

Check existing reason(s) why the Ordinance requirement(s) would result in practical difficulties for property owner:

_____ narrowness _____ shallowness _____ shape _____ topography ☒ other extraordinary situations or conditions peculiar to this property.

Describe this property's extraordinary situation or peculiar conditions compared to neighboring properties: Existing bay window projects slightly into front setback and existing north wall of house projects a few inches into side setback.

How will the peculiar condition described above result in practical difficulty if the requested variance is not granted? The Applicant will be unable to renovate or expand a very small, older home that is dilapidated and too small for modern single-family-home standards.

Date of recording of plat of present subdivision: 1937; or, if property is un-subdivided, date on which deed recorded, or state that such deed was first recorded prior to March 6, 1928: _____

Has any previous variance application involving this property been made to the Board of Appeals? If so, give Case Number(s): Not to the Applicant's knowledge.

I have read the instructions on the reverse side of this form and am filing all required accompanying information. I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Françoise M. Carrier

Robert Livingston, Owner,
Livingston Equity Group

Name of Attorney/Agent (Print Name next to Signature) _____
 BBSG, 7315 Wisconsin Ave, Ste. 800 W, Bethesda, MD 20814

Signature of Petitioner(s) (Print Name next to Signature) _____
 25649 Gathering Glen Street, Aldie VA 20105

Address of Attorney
 240-428-4671

Address of Petitioner

571-969-8840

Phone Number
 (OVER)

Home Phone

Work Phone

EXHIBIT NO. 1(b)

8705 Reading Road, Silver Spring, Maryland

Variance Application

Applicant's Statement of Justification

September 3, 2020

Introduction

Livingston Equity Group, Inc. (the "Applicant") requests approval of a variance of approximately six inches from the applicable 7-foot side setback on one side and a variance of approximately two inches from the applicable 25-foot front setback to permit the construction of a second story and a small, two-story addition for an existing single-family house located at 8705 Reading Road, Silver Spring, Maryland, known as Lot 4, Block B in the Forest Hills of Sligo Park subdivision (the "Subject Property"). The existing single-story house was built in 1934. The existing side wall violates the north side setback by about three inches, and the existing bay window violates the front setback by about two inches.¹ As the Applicant's engineer will testify at the hearing on this application, these small setback violations are consistent with construction tolerances – in other words, the builder in all likelihood intended to locate the house at the appropriate setback distances, but actual construction deviated just slightly from the plans.

The addition and second story are proposed to be on the same front and side planes as the existing house, except that new siding will result in the north wall of the house protruding farther into the side setback by about three inches. At the same time, an existing six-foot-wide chimney on the north side of the house, which projects approximately 12 inches farther into the side setback than the wall of the house, will be removed. On the front façade, only the existing bay window projects into the front setback; the bay window will not extend into the proposed second story, so the proposed renovation will not change the front setback. The exact setbacks from the front and north side property lines

¹ The bay window is slightly wider than the maximum ten-foot width permitted under the exemption that typically allows a bay window to encroach on a front setback by up to three feet. See Code Sec. 59.4.1.7.B.5.a.

at the closest points, for the existing house and with the proposed addition, are set forth in the table below and on the submitted Building Permit Denials from the Department of Permitting Services.

Setback	Required	Existing House	Proposed Renovation/Addition
Front	25 ft.	24.83 feet	24.83 feet
North Side	7 ft.	6.72 feet	6.52 feet

As noted in the table above, the existing front setback violation caused by the first-floor bay window will remain unchanged. To accommodate this existing condition, the Applicant requests a front setback variance of 0.17 feet (approximately 2.04 inches). Adding siding to the rest of the house will cause the north wall to project into the side setback by an additional 0.2 feet, or 2.4 inches. The proposed second floor and small two-story addition will be located on the same side plane as the new siding on the existing house. Accordingly, the Applicant requests a side setback variance of 0.48 feet (approximately 5.76 inches) on the north side of the house.

As may be seen in the submitted photographs of the existing house, the structure and grounds show signs of neglect and deterioration. Compared to neighboring houses shown in submitted photographs of the neighborhood, the subject house and grounds look run-down and unattractive. The house has been used as a rental property for some time. The Applicant purchased the Subject Property with the intent to fully renovate the house and grounds, adding value to the property and the neighborhood, and offer it for sale. The Applicant was not aware at the time of purchase that the existing house location constitutes a setback violation. As shown on the submitted architectural drawings and Building Site Plan, the proposed renovation has the following components:

- Removal of a rear sunroom that is badly deteriorated, with plywood filling the doorframe and missing/broken window slats;
- Removal of a six-foot-wide chimney that projects a foot farther into the north side setback than the wall of the house and spans nearly half the length of the north façade;
- Construction of a two-story addition at the northeast corner of the structure that will replace the sunroom and increase the footprint of the house by approximately 77 square feet;
- Construction of a second floor addition on the entire structure;

- Enclosure of an outdoor staircase along the north façade that leads to an unfinished basement and is currently an eyesore, potentially dangerous, and a perennial maintenance problem;
- Refinishing the entire house with siding that will provide a uniform appearance, a necessity particularly on the north wall, where replacing the wide chimney with new brick will result in uneven course lines in the brick and a distorted appearance;
- Complete replacement of driveway, landscaping, grass, rear patio, and walkway along north side of house, including removal of badly deteriorated remnants of past landscaping and hardscaping;
- New wooden fence for entire backyard, replacing a deteriorated and unsightly combination of chain link, lattice panels, and concrete blocks;
- Complete interior renovation and modernization, including replacement of broken window panes.

The house currently measures approximately 992 square feet. With the proposed renovation and addition it will measure approximately 2,165 square feet – still a modest size, but more in keeping with modern single-family home standards in Montgomery County. The current condition of the house and grounds may be seen in the photographs that follow, as well as more extensive photographs submitted separately.



Subject Property, Front and North Façades



Chimney on North Façade to be Removed



Sun Room to Be Demolished

As shown on the submitted certified Zoning Map, the Subject Property is zoned R-60. The Subject Property is required under the Zoning Code to have a minimum seven-foot building setback on each side and a minimum 25-foot front setback. The Applicant requests a front setback variance of 0.17 feet to accommodate the existing bay window and a side setback variance of 0.48 feet on the north side of the property to permit the proposed renovation and addition. The need for these variances is confirmed by the submitted Building Permit Denials and Building Site Plan marked "Denied." The Applicant hereby respectfully requests that the Board of Appeals grant the requested variances for the reasons addressed below.

Variance Findings under Zoning Code Section 7.3.2.E

The findings required to grant the requested variance are set forth below in italics, followed by an analysis of the basis for each finding in the present case.

Granting the variance may only authorize a use of land allowed by the underlying zone.

The existing/proposed single-family home is a permitted use in the R-60 zone.

To approve a variance, the Board of Appeals must find that:

- 1. denying the variance would result in no reasonable use of the property; or*
- 2. each of the following apply:*
 - a. one or more of the following unusual or extraordinary situations or conditions exist:*
 - i. exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property;*

Due to the vagaries of construction tolerances, the existing house on the Subject Property was built a few inches too close to the north side lot line and the bay window projects just slightly into the required front setback. The location of the existing house on the site relative to the front and north side property lines constitutes an extraordinary condition peculiar to the Subject Property.

- ii. the proposed development uses an existing legal nonconforming property or structure;*
- iii. the proposed development contains environmentally sensitive features or buffers;*

iv. the proposed development contains a historically significant property or structure; or

v. the proposed development substantially conforms with the established historic or traditional development pattern of a street or neighborhood;

The proposed project substantially conforms with the established development pattern of the neighborhood. As may be seen on the submitted zoning map, there are several other houses in the 8700 blocks of Reading Road and Geren Road that appear to be situated very close to a side lot line, similarly to the subject house. In addition, the location of the subject house relative to the front lot line is very much consistent with other houses on these two blocks, all of which have roughly the same front setback. If approved by this variance petition, a side setback of 6.52 feet and a front setback of 24.83 feet would continue an existing pattern of setbacks and would not be establishing precedent in the neighborhood. Moreover, the submitted neighborhood photos demonstrate that an attractive, renovated, two-story home on the Subject Property would be more compatible with other homes in the immediate vicinity and the general neighborhood than the existing house, which is run-down and no longer fits in well with the neighborhood.

b. the special circumstances or conditions are not the result of actions by the applicant;

The special conditions caused by the location where the existing house was built in 1934 were not the result of any action taken by the Applicant, which acquired the Subject Property earlier this year.

c. the requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on the property;

The variances requested are the minimum necessary to overcome the practical difficulties that full compliance with the front and side setback requirements would impose. The proposed project will not change the existing front setback; the front variance is needed solely to accommodate the existing bay window. On the north side of the house, new siding will extend the existing side wall a few inches closer to the north lot line. In addition, the proposed second floor and small two-story addition will extend the north side wall to the rear and up. At the same time, the six-foot-wide chimney that projects a foot beyond the north wall will be removed.

As the applicant's engineer will testify, from a structural engineering standpoint, the only practical way to add a second story to the existing house is to build it on top of the existing foundation walls. It would be at best highly impractical (and at worst, impossible) to build a second story that is stepped back from the side wall of the house to meet the setback requirement. This would require building a new foundation wall from the cellar up. Even if this is physically possible (which may not be the case), it would be cost prohibitive and would result in a house with unreasonably thick exterior walls and unreasonably deep windowsills, reducing light and air into the home as well as the usable living space.

Without the requested variances, the Applicant will not be able to renovate the house with new siding, which will generally improve appearance and will prevent the chimney removal from leaving the north façade looking disjointed; carry out a complete interior renovation to improve the livability of the house and bring it up to modern standards; add a second story, doubling the usable living space and bringing the house more in line with others in the neighborhood; remove a chimney that protrudes 12.5 inches farther into the side setback than the north wall of the house; enclose the unsightly, potentially dangerous exterior cellar staircase; remove the dilapidated sunroom; or extend the house in a smooth line to the rear. A 0.48-foot north side setback variance and a 0.17-foot front setback variance are the minimum necessary to comply with the required setbacks.

d. the variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan; and

The variance will support the goals of the general plan and the East Silver Spring Master Plan, Approved and Adopted December 2000 (the "Master Plan"), which identifies the Subject Property as part of an existing residential neighborhood and support its use for a single-family home. The Master Plan recognized, even 20 years ago, that "[s]ome residential properties in East Silver Spring suffer problems typical of aging communities with many residents of modest means." The Master Plan's recommendations include:

- Retain the existing single-family detached character throughout most of East Silver Spring.

- Encourage maintenance and preservation of housing through code enforcement, neighborhood improvement programs, and other appropriate techniques.
- Support remodeling and rehabilitation of residential properties through various County home or neighborhood improvement programs.

The requested variances are necessary to allow the existing home to be fully renovated and rehabilitated, in keeping with the specific recommendations of the Master Plan.

e. granting the variance will not be adverse to the use and enjoyment of abutting or confronting properties.

The requested variance will not be adverse to the use and enjoyment of abutting or confronting properties, as demonstrated by letters of support submitted from the owners of the following homes:

8707 Reading Road, abutting to the north
 8703 Reading Road, abutting to the south
 8706 Reading Road, confronting to the northwest
 8704 Reading Road, directly across the street
 8702 Reading Road, confronting to the southwest

These five letters represent *all* of the abutting and confronting neighbors on Reading Road. The Applicant found that neighbors were delighted at the prospect of a renovation of the Subject Property and unconcerned by the proposed variances.

The fact that the existing bay window projects about two inches into the 25-foot front setback is imperceptible to neighbors, and will continue to be imperceptible with the proposed project, which will replace the worn-out siding and broken window panes but will not change the window's size or location. The changes proposed along the north wall of the house will certainly be more noticeable, given that they include a new second story, a small two-story addition, removing a chimney and sunroom, and enclosing an outdoor staircase. The question before this Board, however, is whether permitting these improvements to be located six inches over the side setback line will have an adverse impact on the use and enjoyment of abutting or confronting properties. The answer to that question is a resounding "no." A six-inch setback encroachment will be barely perceptible. The main impact on immediate neighbors will be the benefit of having a run-down house and

neglected grounds completely renovated and refreshed. A very small, older home in poor condition will be transformed into a clean, safe, attractive house that is still of modest size, but more consistent with modern standards for a single-family detached dwelling. Moreover, the house immediately to the north is separated from the Subject Property by a driveway and a landscaped border. Thus, the house with the greatest potential to be affected by the proposed side variance is situated at least ten feet from the shared property line, and probably more.

The renovation and addition that will be made possible by the requested variances will enhance the appearance of the Subject Property and its compatibility with the well-kept homes that surround it.

Conclusion

The requested variances are necessitated by the extraordinary condition of an existing house that projects just slightly into the applicable north side and front setbacks. This condition is peculiar to the Subject Property and was not caused by the Applicant. Moreover, if the requested 0.48-foot and 0.17-foot setback variances are granted, the renovated and expanded house will be in character with the established neighborhood, will support the neighborhood protection goals of the General Plan and the East Silver Spring Master Plan, and will not be detrimental to the use and enjoyment of abutting or confronting properties. For all these reasons, the Applicant respectfully asks that the Board of Appeals grant the requested variances.

Witnesses

Mr. Robert Livingston will testify on behalf of Livingston Equity Group, LLC. Mr. Livingston will testify about the Applicant's plans for the Subject Property and the practical difficulties that give rise to this variance request.

Curt Schreffler, P.E. of CAS Engineering will testify regarding the characteristics of the Subject Property and the surrounding neighborhood, the existing conditions and proposed renovation that led to the need for the requested variances, and the expected impact on the Subject Property and the surrounding neighborhood.

The Applicant reserves the right to call other witnesses and/or introduce additional exhibits at the hearing as deemed necessary to support this petition.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By: 
Françoise M. Carrier

BUILDING PERMIT SITE PLAN

8705 Reading Road, Silver Spring

Lot 4, Block B, Forest Hills of Sligo Park

S 20°15'45" W 66.05'

VARIANCE REQUIRED

Montgomery County

Department of Permitting Services

Zoning Class R-60 Page 210 NE

Denial Number 315668

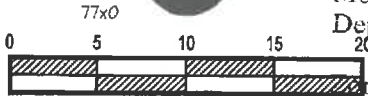
Signature [Signature]

77x2

LOT 4
5,725 S.F.

EX. SHED

78x3



SCALE: 1 INCH = 10 FEET

S 71°50'00" E 87.96'

20' REAR B.R.L. 14' HONEYSUCKLE

EX. CONC. PATIO
76x5

EX. CONCRETE WALL

PROPOSED
1ST & 2ND
FLOOR
ADDITION

EX. STONE WALL

6.72' TO PROP.
FOUNDATION
6.52' TO
PROP. SIDING

EX. GATED
6.53' TO
PROP. SIDING
6.73' TO PROP.
FOUNDATION

6.72' TO
EX. BRICK

6.53' TO
PROP. SIDING

6.83' TO
EX. BRICK

6.64' TO
PROP. SIDING

EX. GATE

2ND FLOOR
LIVING SPACE
OVERHANG

68x3
LL: 268.5
2ND FLOOR
LIVING SPACE
OVERHANG

8705 READING ROAD
EX. ONE-STORY
HOUSE WITH BASEMENT
FF: VARIES
LL: 268.5

PROPOSED
2ND-FLOOR
ADDITION

EX. GATE

EX. CONCRETE
WALL

TWIN CRA. MTR
(6", 6")

TW: 2 5.5

16.53' TO EX. BRICK

16.33' TO PROP. SIDING

PROP. PORCH
ROOF OVERHANG

EX. CONC.
STEPS

2x9

5x5

24.83' TO EXISTING SIDING

24.83' TO PROP. SIDING

25.03' TO EXISTING BRICK

24.03' TO PROP. ROOF OVERHANG

24.86' TO EXISTING SIDING

24.86' TO PROP. SIDING

25.06' TO EXISTING BRICK

24.04' TO PROP. ROOF OVERHANG

EX.

6" JAP MAP

2

ALT
Y

1.16"

EX

13' POP.

8' POP.

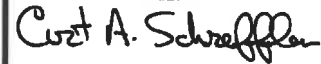
READING ROAD (50' R/W)

N 18°10'00" E 66.00'

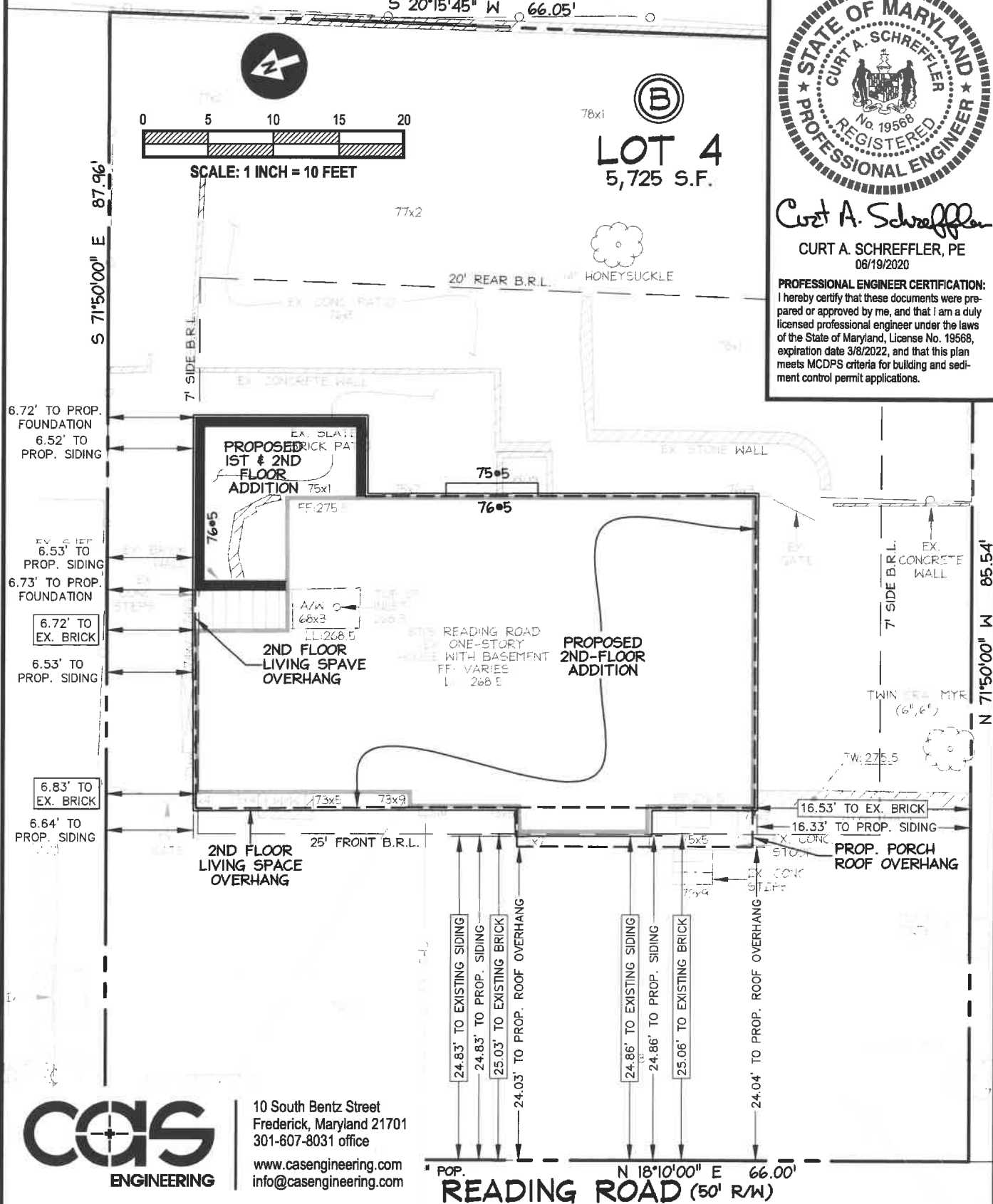
N 71°50'00" W 85.54'

8705 Reading Road, Silver Spring

S 20°15'45" W 66.05'



PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19568, expiration date 3/8/2022, and that this plan meets MCDPS criteria for building and sediment control permit applications.

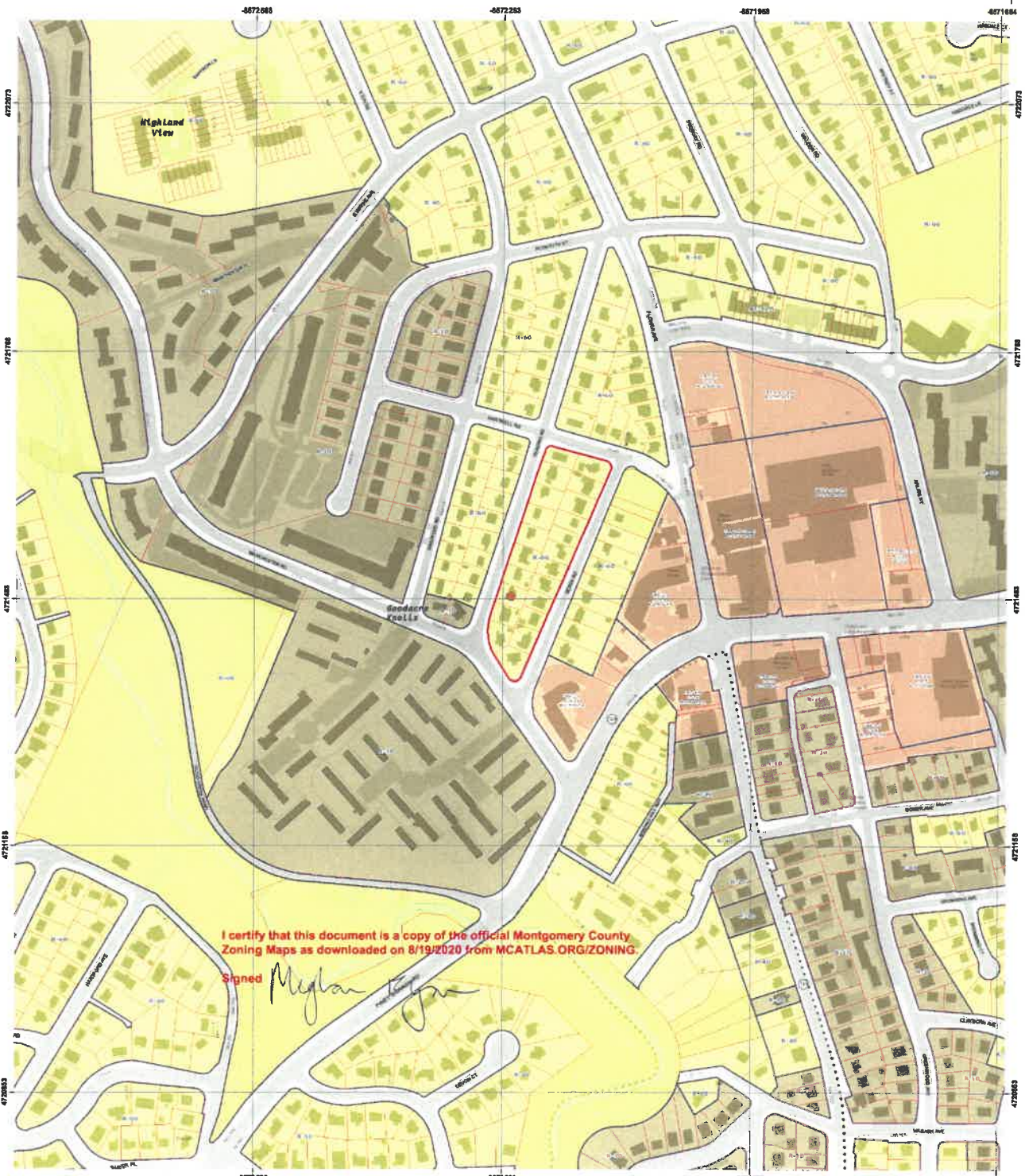


10 South Bentz Street
Frederick, Maryland 21701
301-607-8031 office
www.casengineering.com
info@casengineering.com

P:\2020\20264_8705 Reading Road\5. drawings\20264_BPSP.dwg, 6/19/2020 2:33:39 PM, DWG To PDF.pc3, 1:1

EXHIBIT NO.

NOTES CONCERNING ZONING IN RIGHTS-OF-WAY
 1. Zone boundaries must not be depicted in public rights-of-way but must run to the centerline of each right-of-way.
 2. Zone boundaries within rights-of-way previously delineated by plan or other method of subdivision can be included in map amendments.
 3. Zone boundaries within rights-of-way included in a map amendment boundary
 4. Zone boundaries within rights-of-way included in a map amendment boundary



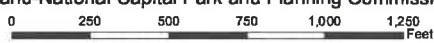
I certify that this document is a copy of the official Montgomery County Zoning Maps as downloaded on 8/19/2020 from MCATLAS.ORG/ZONING.

Signed *Miguel Lopez*

MONTGOMERY COUNTY ZONING MAP

The Maryland-National Capital Park and Planning Commission

Montgomery County Planning Department



Printed: 8/18/2020

1 inch = 250 feet

Account #	01277321
Address	8705 READING RD SILVER SPRING, 20901
Landuse	Single Family Detached
Legal Description	FOREST HILLS OF SILVER SPRING
Zone	R-80
Overlay Zone	N/A
TDR Overlay Zone	N/A
Parking District	N/A
CEO	N/A
Parcel Lot, Block	N/A, 4, B

Special Protection Area	N/A
Urban District	N/A
Enterprise Zone	N/A
Area 8 Ent. District	N/A
Special Tax District	N/A
R/W/Ped Priority Area	Long Branch
Urban Renewal Area	N/A
Metro Station Policy Area	N/A
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	SILVER SPRING EAST
Historic Site/District	N/A

WBSC Ord	21NE01
Map Amendment	G-247 G-800 G-856
Water/Sewer Categories	W-1 / S-1



EXHIBIT NO.

8



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

BUILDING PERMIT DENIAL

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

NAME: Livingston Equity LLC

ADDRESS: 8705 READING RD
SILVER SPRING, MD 20901

LOT - BLOCK: 4 - B

ZONE: R-60

THE VARIANCE REQUEST IS FOR

☐

EXISTING STRUCTURE

☒

PROPOSED STRUCTURE

☐

NON-CONFORMING

☐

NON-COMPLYING

☐

NEW SINGLE-FAMILY DWELLING

TYPE OF CONSTRUCTION:

☒

ROOM ADDITION

☐

SWIMMING POOL

☐

PORCH

☐

DECK

☐

SHED

☐

FENCE/RETAINING WALL

☐

ACCESSORY STRUCTURE

☐

GARAGE/CARPORT

☐

OTHER

The proposed construction requires a 0.48 ft. variance as it is within 6.52 ft. of the side lot line.

The required setback is 7.00 ft. in accordance with Section 59-4.4.9.B-2.

The required sum of both side yards is 0.00 ft. in accordance with Section 59-.

The proposed construction reduces the sum of both sides to 0.00 ft., creating a violation of 0.00 ft.

The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:

N/A

The proposed construction is a rear 2 story addition

Mitra Pedoeem

6/19/2020

Signature

Date

EXHIBIT NO.

6(a)



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

BUILDING PERMIT DENIAL

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

NAME: Livingston Equity LLC

ADDRESS: 8705 READING RD
SILVER SPRING, MD 20901

LOT - BLOCK: 4 - B

ZONE:R-60

THE VARIANCE REQUEST IS FOR

☐ N

EXISTING STRUCTURE

☐ Y

PROPOSED STRUCTURE

☐ N

NON-CONFORMING

☐ N

NON-COMPLYING

☐ N

NEW SINGLE-FAMILY DWELLING

TYPE OF CONSTRUCTION:

☐ Y

ROOM ADDITION

☐ N

SWIMMING POOL

☐ N

PORCH

☐ N

DECK

☐ N

SHED

☐ N

FENCE/RETAINING WALL

☐ N

ACCESSORY STRUCTURE

☐ N

GARAGE/CARPORT

☐ N

OTHER

The proposed construction requires a 0.17 ft. variance as it is within 24.83 ft. of the front lot line.

The required setback is 25.00 ft. in accordance with Section 59-4.4.9.B-2.

The required sum of both side yards is 0.00 ft. in accordance with Section 59-.

The proposed construction reduces the sum of both sides to 0.00 ft., creating a violation of 0.00 ft.

The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:

N/A

The proposed construction is a second story addition above the existing house

Delvin L. Daniels

8/26/2020

Signature

Date

EXHIBIT NO. 6(b)



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

BUILDING PERMIT DENIAL

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

NAME: Livingston Equity LLC

ADDRESS: 8705 READING RD
SILVER SPRING, MD 20901

LOT - BLOCK: 4 - B

ZONE:R-60

THE VARIANCE REQUEST IS FOR

☐

EXISTING STRUCTURE

☐

PROPOSED STRUCTURE

☐

NON-CONFORMING

☐

NON-COMPLYING

☐

NEW SINGLE-FAMILY DWELLING

TYPE OF CONSTRUCTION:

☐

ROOM ADDITION

☐

SWIMMING POOL

☐

PORCH

☐

DECK

☐

SHED

☐

FENCE/RETAINING WALL

☐

ACCESSORY STRUCTURE

☐

GARAGE/CARPORT

☐

OTHER

The proposed construction requires a 0.17 ft. variance as it is within 24.83 ft. of the front lot line.

The required setback is 25.00 ft. in accordance with Section 59-4.4.9.B-2.

The required sum of both side yards is 0.00 ft. in accordance with Section 59-.

The proposed construction reduces the sum of both sides to 0.00 ft., creating a violation of 0.00 ft.

The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:

N/A
The building is an existing noncomplying house

Deh Z Daniel

6/19/2020

Signature

Date

EXHIBIT NO. 6(c)



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedocem
Director

BUILDING PERMIT DENIAL

The Department of Permitting Services cannot issue a building permit for the property indicated below without a variance from the Montgomery County Board of Appeals.

NAME: Livingston Equity LLC

ADDRESS: 8705 READING RD
SILVER SPRING, MD 20901

LOT - BLOCK: 4 - B

ZONE:R-60

THE VARIANCE REQUEST IS FOR

☒ Y EXISTING STRUCTURE
☐ N NON-CONFORMING
☐ N NEW SINGLE-FAMILY DWELLING

☐ N PROPOSED STRUCTURE
☐ Y NON-COMPLYING

TYPE OF CONSTRUCTION:

☐ N ROOM ADDITION
☐ N PORCH
☐ N SHED
☐ N ACCESSORY STRUCTURE
☐ N OTHER

☐ N SWIMMING POOL
☐ N DECK
☐ N FENCE/RETAINING WALL
☐ N GARAGE/CARPORT

The ~~existing house~~ requires a 0.28 ft. variance as it is within 6.72 ft. of the side lot line.

The required setback is 7.00 ft. in accordance with Section 59-4.4.9.B-2.

The required sum of both side yards is 0.00 ft. in accordance with Section 59-.

The proposed construction reduces the sum of both sides to 0.00 ft., creating a violation of 0.00 ft.

The proposed construction requires a variance from the Exemption from Controls, Section 59-B as follows:

N/A
The ~~building~~ is an existing noncomplying house

6/19/2020

Signature

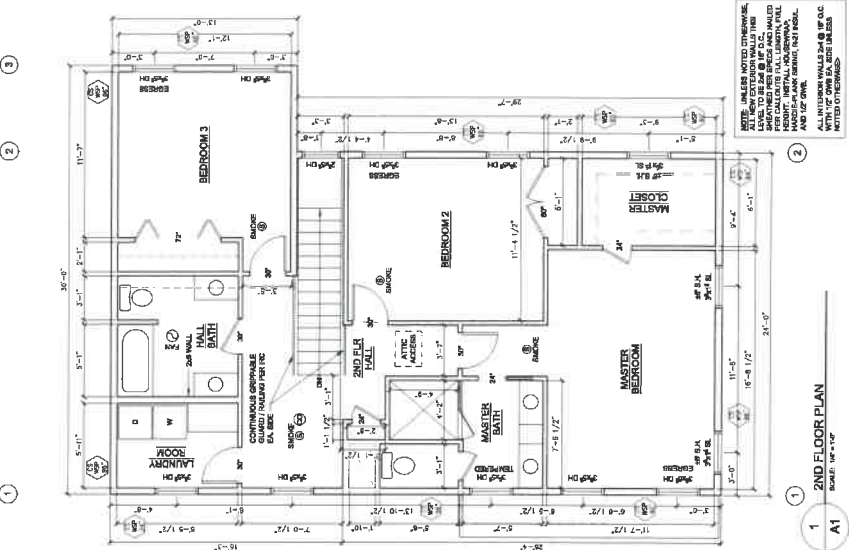
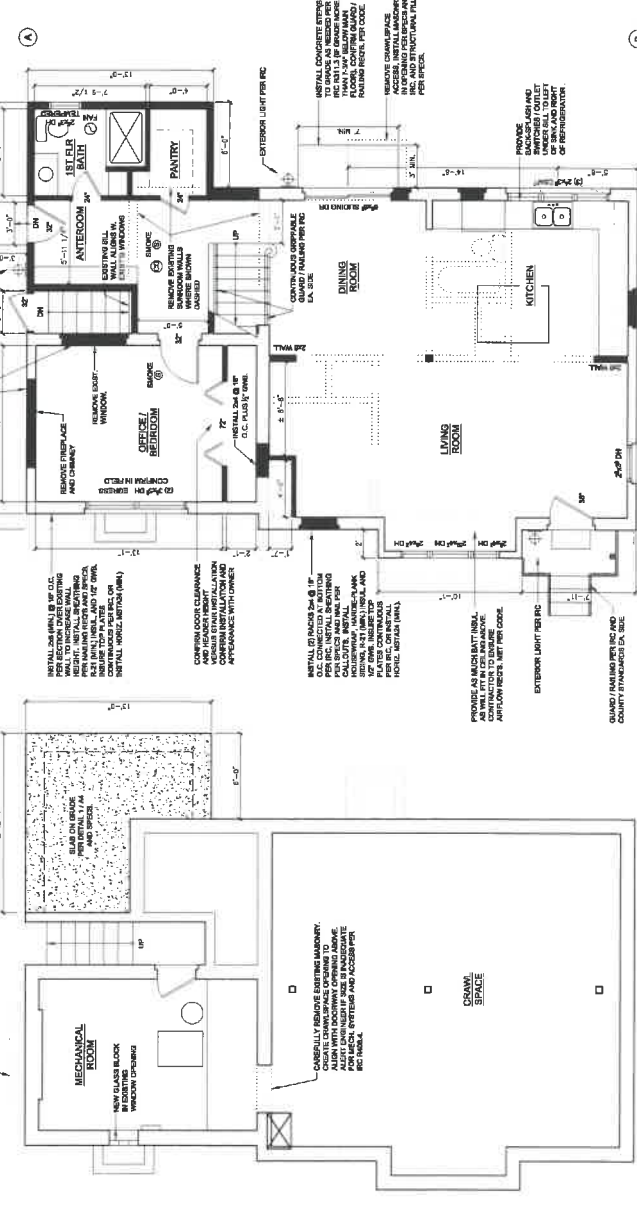
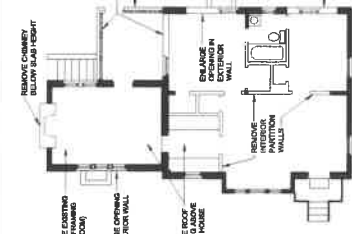
Date

EXHIBIT NO. 6(d)



DWL	METHOD	ADJUSTMENT FACTORS						RECD. SURF. WIND SPEED @ EXPOSURE 8	ACTUAL
		LARGE/REG. HT.	WALL, FT.	% RWL ¹	CURT. INT. OWNS	ADD. LOSS DUE TO O.C.	GRASS/PAVEMENT		
A	CE-WSP	0.7 ²	0.84	0	1.03	1.00	N/D	1.00	15.00 ³
B	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
C	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
D	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
E	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
F	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
G	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
H	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
I	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
J	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
K	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
L	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
M	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
N	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
O	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
P	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
Q	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
R	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
S	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
T	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
U	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
V	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
W	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
X	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
Y	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³
Z	CE-WSP	0.7 ²	0.84	0	1.00	1.00	N/D	1.00	15.00 ³

¹ RWL = 1.00 FOR ALL EXPOSURE CATEGORIES.
² 0.7 = 1.00 FOR ALL EXPOSURE CATEGORIES.
³ 15.00 = 1.00 FOR ALL EXPOSURE CATEGORIES.



NOTE: LANSER NOTED OTHERS: ALL NEW
EXTERIOR WALLS 12" OVER 12" O.C.
SMOOTHED PER BRICKS AND NAIL 24" O.C.
FULL LENGTH FULL HEIGHT. INSTALL HOUSING
HARDIE-PLANK SIDING, 1/2" INCL. AND 12" OVER.
ALL EXISTING EXTERIOR MASONRY WALLS: 4" BRICK
AND 1/2" CEMENT WITH 3/4" MESH 14.5 (SPILT 14.5)
INCL. AND 12" OVER. ATTACH HARDIE-PLANK SIDING
PER 1/2" AND SPACE ON EXTERIOR.
ALL INTERIOR WALLS 24" O.C. WITH 12" OVER BA-
RIE LINE 12" OVER OTHERS.

NOTE: UNLESS NOTED OTHERWISE, ALL NEW EXTERIOR WALLS 18" OR LEVEL TO BE 24" @ 18" O.C. SHEATHED PER SPEC AND NAILED PER CALLOUTS. FULL LENGTH, FULL HEIGHT. INSTALL HOUSEWORN, HAND-FLY AWAY SIDING, 14-21 #252L AND 1/2" GWR.

8705 READING ROAD SILVER SPRING, MD 20901

PERMITTING DATA, SPECS AND
BUILDING SECTIONS
8705 READING R
SILVER SPRING, MD 20901

[illegible][illegible][illegible][illegible][illegible][illegible]

LIST OF DRAWING		SQUARE	
		FLOOR	EXISTING
NAME TO	C8 PERMITTING DATA, SPECIFICATION	BASEMENT	181 SF
	A1 ARCHITECTURAL PLANS: BASEMENT	FRUIT FLOOR	801 SF
	A2 EXTERIOR ELEVATIONS	SECOND FLOOR	0 SF
	A3 STRUCTURAL FRAMING DIAGRAMS		
	A4 UTILITIES		
		TOTAL	1062 SF

OF EXTERIOR WALLS ARE NOTED IN PLANS. EXTERIOR SURFACE ALL INSULATION, CARPETING, AND FINISHES, BY OTHER PROFESSIONALS UNDER SEPARATE CONTRACTS.

SCOPE OF WORK	SPECIFICATIONS
REMOVE INTERIOR WALLS AND PORTION OF EXISTING INTERIOR PARTITION REAR AND ABOVE EXISTING AS SHOWN.	SEE PAGE A3
MECHANICAL, ELECTRICAL, AND PLUMBING	

PERMITS:
 Permit: 06-005-2020
 Permit Revision Date

[illegible][illegible]

Architectural drawing of a bathroom stall. The drawing shows a door with a window and a lock mechanism. The door is labeled "DOOR PANEL" and "1ST FLOOR". The window is labeled "1ST FLOOR". The lock mechanism is labeled "LOCK MECHANISM". The door is shown in an open position, revealing the interior of the stall. The interior is labeled "BATHROOM STALL". The drawing is a technical illustration showing the details of the door and lock mechanism.

RECEPTION AREA

MAINTENANCE ROOM

MEN'S TOILET

WOMEN'S TOILET

HALL

BATH

ROOM

MAINTENANCE ROOM

MEN'S TOILET

WOMEN'S TOILET

HALL

BATH

ROOM

RECEPTION AREA

12' x 6'

12' x 6'

12' x 6'

12' x 6'

NOTE: DIMENSIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE.

[illegible]

REVISIONS:

DORMER WINDOW

ROOFING

GUTTER

DOWNSPOUT

P-10 WALL WITH FLOOR FRAMING

CRAWL SPACE

WALL SECTION

1 of 6

1 CS

BUILDING
SCALE

ALL EXISTING INTERIORS TO REMAIN.
R-8.0 (SPRINT) WALL, 4" BRICK AND 4" BLOCK
AND BRICKS ON PORTLAND
CEMENT
FINISH
7'-0" 1/4"

[illegible]

Diagram illustrating the attachment of a new framing member to an existing masonry wall. The new framing member is attached to the existing masonry wall using a concrete wall anchor and a concrete wall anchor bolt. The diagram shows the framing member being attached to the wall, with the anchor bolt passing through the wall and the anchor being embedded in the masonry. The diagram also shows the floor and ceiling levels.

Technical drawing showing a cross-section of a concrete slab and a drift pipe. The slab is labeled "12 TO 18 IN. (3.05 TO 4.57 M) SLAB" and "SLAB WITH CONCRETE SLAB". The drift pipe is labeled "DRIFTING CONCRETE" and "DRIFT TO SLAB".

OFFICE /
BEDROOM

UNFINISHED BASEMENT
UTILITY ROOM

PLUMBING

3

CS

BUILDING SECTION

SCALE: 1/4" = 1'-0"

[illegible]

PHOTOS OF SUBJECT PROPERTY, 8705 READING ROAD



Front View, August 2020



Front View, February 2020



Driveway and North Side Gate



Front Door



Chimney and North Wall Viewed from Front Yard



North Side Yard Viewed from Rear Yard



Rear Yard and Northeast Corner of House



Rear Yard Facing North



Outdoor Cellar Staircase



Sunroom

NEIGHBORHOOD PHOTOS

VARIANCE APPLICATION FOR 8705 READING ROAD, SILVER SPRING



8703 Reading Road



8704 Reading Road



8706 Reading Road

EXHIBIT NO. 5(1)



8710 Reading Road



8713 Reading Road



8717 Reading Road



8712 Geren Road



8713 Geren Road



8715 Geren Road



8505 Manchester Road (two doors south of Subject Property on corner)



203 Hartwell Road, north end of block on corner

John Pentecost, Chairman, and Members, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20851

Re: Support for Variance Application

Dear Mr. Pentecost and Members of the Board:

I reside at 8702 Reading Rd., Silver Spring, Maryland. I am writing to support the variance application submitted by Rob Livingston of Livingston Equity Group to add a second story and a small rear addition to 8705 Reading Road, Silver Spring, Maryland. I understand that the existing house is a little bit over the permitted setback line on the north side and in front, and that with the proposed addition, the house would be in approximately the same location on the side and in front, but with a second story. I also understand that the house would have new siding, the side chimney would be removed, and the house would be sold, hopefully to someone who would be an owner-occupant after many years of rental use. I welcome the renovation of this house, and I do not think the second story addition and requested variances would have an adverse effect on the neighborhood.

Thank you for your consideration.

Peter McGrath
Name: Peter McGrath
Date: 7/25/2020

EXHIBIT NO. 1(a)

John Pentecost, Chairman, and Members, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20851

Re: Support for Variance Application

Dear Mr. Pentecost and Members of the Board:

I reside at 8707 Reading Rd., Silver Spring, Maryland. I am writing to support the variance application submitted by Rob Livingston of Livingston Equity Group to add a second story and a small rear addition to 8705 Reading Road, Silver Spring, Maryland. I understand that the existing house is a little bit over the permitted setback line on the north side and in front, and that with the proposed addition, the house would be in approximately the same location on the side and in front, but with a second story. I also understand that the house would have new siding, the side chimney would be removed, and the house would be sold, hopefully to someone who would be an owner-occupant after many years of rental use. I welcome the renovation of this house, and I do not think the second story addition and requested variances would have an adverse effect on the neighborhood.

Thank you for your consideration.

Helen Fredericks

Name:

Date:

7/25/2020

EXHIBIT NO. 7(b)

John Pentecost, Chairman, and Members, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20851

Re: Support for Variance Application

Dear Mr. Pentecost and Members of the Board:

I reside at 8703 Reading Rd, Silver Spring, Maryland. I am writing to support the variance application submitted by ROB LIVINGSTON or LIVINGSTON EQUITY GROUP to add a second story and a small rear addition to 8705 Reading Road, Silver Spring, Maryland. I understand that the existing house is a little bit over the permitted setback line on the north side and in front, and that with the proposed addition, the house would be in approximately the same location on the side and in front, but with a second story. I also understand that the house would have new siding, the side chimney would be removed, and the house would be sold, hopefully to someone who would be an owner-occupant after many years of rental use. I welcome the renovation of this house, and I do not think the second story addition and requested variances would have an adverse effect on the neighborhood.

Thank you for your consideration.



Jacqueline Tonetti

Name:

Date: July 25, 2020

EXHIBIT NO. 7(c)

John Pentecost, Chairman, and Members, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20851

Re: Support for Variance Application

Dear Mr. Pentecost and Members of the Board:

I reside at 8706 Reading Road, Silver Spring, Maryland. I am writing to support the variance application submitted by Rob Livingston of Livingston Equity Group to add a second story and a small rear addition to 8705 Reading Road, Silver Spring, Maryland. I understand that the existing house is a little bit over the permitted setback line on the north side and in front, and that with the proposed addition, the house would be in approximately the same location on the side and in front, but with a second story. I also understand that the house would have new siding, the side chimney would be removed, and the house would be sold, hopefully to someone who would be an owner-occupant after many years of rental use. I welcome the renovation of this house, and I do not think the second story addition and requested variances would have an adverse effect on the neighborhood.

Thank you for your consideration.

Name: Melissa Bazar + Sean Joyce
Date: MBJ 8.7.20

EXHIBIT NO. 7(d)

John Pentecost, Chairman, and Members, Montgomery County Board of Appeals
100 Maryland Avenue, Suite 217
Rockville, MD 20851

Re: Support for Variance Application

Dear Mr. Pentecost and Members of the Board:

I reside at 8704, Reading Rd, Silver Spring, Maryland. I am writing to support the variance application submitted by Rob Livingston of Livingston Equity Group to add a second story and a small rear addition to 8705 Reading Road, Silver Spring, Maryland. I understand that the existing house is a little bit over the permitted setback line on the north side and in front, and that with the proposed addition, the house would be in approximately the same location on the side and in front, but with a second story. I also understand that the house would have new siding, the side chimney would be removed, and the house would be sold, hopefully to someone who would be an owner-occupant after many years of rental use. I welcome the renovation of this house, and I do not think the second story addition and requested variances would have an adverse effect on the neighborhood.

Thank you for your consideration.

SKYE HOWE

Name:

Date:

8/11/20



EXHIBIT NO.

7(e)

CASE NO. A-6670

PETITION OF LIVINGSTON EQUITY GROUP LLC

EXHIBIT LIST

1. (a) Transmittal Letter
(b) Application
2. List of adjoining/confronting property owners
3. Statement of Justification
4. (a)-(b) Site Plans
5. (a) Side, Rear, Front Elevations **(Large)**
(b) Side, Rear, Front Elevations **(Reduced)**
(c) Demolition, Basement/Crawl Space, 1st Floor, 2nd Floor Plan **(Large)**
(d) Demolition, Basement/Crawl Space, 1st Floor, 2nd Floor Plan **(Reduced)**
(e) Building Section, Building Section Thru Stairs, Building Section **(Large)**
(f) Building Section, Building Section Thru Stairs, Building Section **(Reduced)**
(g)-(o) Photographs
6. (a)-(d) DPS building permit denials
7. (a)-(e) Letters of Support
8. Certified Zoning Vicinity Map **(Reduced)**
9. (a) Envelope showing date notice mailed
(b) Notice of hearing scheduled for October 21, 2020
10. _____

Real Property Data Search (w3)

Search Result for MONTGOMERY COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:		District - 13 Account Number - 01377321
Owner Information		
Owner Name:	LIVINGSTON EQUITY GROUP LLC	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	25649 GATHERING GLEN ST ALDIE VA 20105-	Deed Reference: /59099/ 00263
Location & Structure Information		
Premises Address:	8705 READING RD SILVER SPRING 20901-4029	Legal Description: FOREST HILLS OF SLIG O PARK
Map: JN53	Grid: 0000	Parcel: 0000
Neighborhood: 13030117.16	Subdivision: 0117	Block: B
Lot: 4	Assessment Year: 2019	Plat No: 833
		Plat Ref:
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1934	876 SF	5,725 SF
Property Land Area	County Use	
111		
Stories	Basement	Type
1	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
BRICK/	4	1 full
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of
		01/01/2019
		As of
		07/01/2020
		As of
		07/01/2021
Land:	218,700	253,700
Improvements	85,600	112,000
Total:	304,300	365,700
Preferential Land:	0	0
Transfer Information		
Seller: SCHAEFFER ELAINE	Date: 02/21/2020	Price: \$250,000
Type: ARMS LENGTH IMPROVED	Deed1: /59099/ 00263	Deed2:
Seller: BIRDZELL, DOUGLAS M E &	Date: 06/01/2005	Price: \$355,000
Type: ARMS LENGTH IMPROVED	Deed1: /29974/ 00465	Deed2:
Seller: PAMELA J MCDONNELL	Date: 12/02/1998	Price: \$115,000
Type: ARMS LENGTH IMPROVED	Deed1: /16514/ 00726	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		